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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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04/17/2003

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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 04/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/223,993

Applicant(s)

PIRASTEH ET AL.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. **Claim 10** is objected to because of the following informalities: line 8 "said switch" lacks of antecedent basis. Correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 1** is rejected under 35 U.S.C. 112, second paragraph, Line 7-8 "and said IVR for forwarding the out-of-band call destination information to said IVR" as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1 and 10** are rejected under 35 U.S.C. 102(e) as being anticipated by Bjornberg et al. (US 6,366,658).

Regarding **claim 1**, Bjornberg discloses a telecommunications architecture for call center services using advanced interactive voice responsive service node (column 1, lines 49-52), (which reads on claimed “a system for call processing”), comprising:

a telephone call receiving switch (102 on FIG. 1) configured prior to answering a call (column 9, line 11 “an incoming call”) to detect and pass out of band call destination information (column 9, lines 9-15) [The switch receives the telephone number and transmit a routing query to the DAP];

an IVR (301 on FIG. 3A) adapted to perform an audio script (column 8, line 35 “audio files”), the IVR in electronic communication with the switch (column 5, lines 63-66);

a server computer (312 on FIG. 3B) in electronic communication with the telephone call receiving switch for receiving the out-of-band call destination information and the IVR for forwarding the out-of-band call destination information to the IVR (column 6, lines 11-17) [The DAP receives destination information and determines the routing process of the calls];

a network structure (202 on Fig. 3B) in electronic communication with the IVR and the server (column 4, lines 49-52); and

a port sharing data interface processing program (346 on FIG. 3A) in operation with the IVR, the program adapted to enable the script to be performed on multiple ports of the IVR (column 8, lines 33-41) [The service creation environment creates customer application and audio files to be distributed to each NGSN].

Regarding **claim 10**, Bjornberg discloses a telecommunications architecture for call center services using advanced interactive voice responsive service node (column 1, lines 49-52), (which reads on claimed “a system for call processing”), comprising:

a telephone call receiving switch (102 on FIG. 1) configured to detect call destination information (column 9, line 12 “a common telephone number”) of an incoming call (column 9, line 11 “an incoming call”), to assign the incoming call to a selected one of a plurality of channels (column 11, lines 1-3), to pass the call destination

out of band to the selected channel (column 9, lines 9-15), and to answer the incoming call (column 10, lines 1-5) [The signaling gateway sends a message to the bridging switch to establish a voice connection];

a table (column 7, line 30 "databases") containing a plurality of call destination records (column 7, line 29 "call statistics") associated with a plurality of applications (column 7, lines 18-30) [Event records into call statistics based on application are stored in databases];

a server apparatus (312 on FIG. 3B) in data communication with the switch and the telephone call receiving switch and responsive to the out of band call destination information to identify an associated application (column 9, lines 7-8 "customer applications") with reference to the table and to a call identifier (column 9, line 14 "a physical routing address") to the incoming call (column 9, lines 4-20) [The DAP receives destination information and determines the routing process of the calls and performs all customer scripts to the appropriated node];

an IVR (301 on FIG. 3A) that includes a port (column 9, line 62 "the port") in telephony communication with the selected channel and in data communication with the server, the IVR including a port sharing data interface processing program (346 on FIG. 3A) responsive to the detected call destination information and incoming call (column 9, line 54 "ANI of the call") reaching the port to access the associated program to perform on the selected port (column 9, lines 52-67) [The service creation environment creates customer application and audio files to be distributed to each NGSN and the IAM serves

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as a request for NGSN resources that include the dialed number and the application identifier].

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 6-9** are rejected under 35 U.S.C. 102(b) as being anticipated by Katz (US 5,553,120).

Regarding **claim 6**, Katz discloses a telephonic interface game control method (column 1, lines 40-45), (which reads on claimed “a method of handling of telephone call received at a private branch switch to efficiently use a plurality of ports of an interactive voice response to provide a selected one of a plurality application”), the method comprising:

in response to receiving a call (column 3, line 59 “a call”) at the PBX (CO on FIG. 1), passing call destination information out of band (column 3, line 58 “telephone numbers”) to the IVR (column 3, lines 55-61) [The switch receives the telephone number and transmit to the AR1 unit before the call is answered];

identifying an application (column 4, line 31 “specific operating format”) associated with the call destination information (column 4, lines 29-45) [The utilizing the called telephone number to select a specific operating format];

assigning the call to a selected one of the plurality of ports (column 3, line 22 “LS1-LSn”) of the IVR (column 3, lines 15-24) [The CO couple the terminal unit through one of the sets of lines of the AR1];

in response to receiving the call at the IVR thereto, executing the identified application at the selected port (column 5, lines 3-8) [the telephone number designate a specific question bank].

Regarding **claim 7**, Katz discloses a telephonic interface game control method (column 1, lines 40-45), (which reads on claimed “a method of handling a plurality of telephone call received at a private branch switch to efficiently use a plurality of ports of an interactive voice response to provide a selected one of a plurality of application”), the method comprising:

in response to receiving a call (column 3, line 59 “a call”) at the PBX (CO on FIG. 1), passing call destination information (column 3, line 58 “telephone numbers”) to the IVR (AR1 on FIG. 1) by detecting Dialed Number Identification Service (column 6, line 53 “DNIS”) and Automatic Number Identification (column 6, line 50 “ANI”) associated with the call, passing the DNIS and ANI out of band to the IVR, and answering the call at the PBX (column 6, lines 42-53) [The initial operation involves the identification of the caller by the DNIS and the ANI provided by the central office];

identifying an application (column 4, line 31 "specific operating format") associated with the call destination information (column 4, lines 29-45) [The utilizing the called telephone number to select a specific operating format];

assigning the call to a selected one of the plurality of ports (column 3, line 22 "LS1-LSn") of the IVR (column 3, lines 15-24) [The CO couple the terminal unit through one of the sets of lines of the AR1]; and

in response to thereto, executing the application at the selected port (column 5, lines 3-8) [the telephone number designate a specific question bank].

Regarding **claim 8**, Katz discloses a telephonic interface game control method (column 1, lines 40-45), (which reads on claimed "a method of handling a plurality of telephone call received at a private branch switch to efficiently use a plurality of ports of an interactive voice response to provide a selected one of a plurality application"), the method comprising:

in response to receiving a call (column 3, line 59 "a call") at the PBX (CO on FIG. 1), passing call destination information (column 3, line 58 "telephone numbers") to the IVR (column 3, lines 55-61) [The switch receives the telephone number and transmit to the AR1 unit before the call is answered];

identifying an application (column 4, line 31 "specific operating format") associated with the call destination information by associating each of a plurality of call destinations (column 4, line 33 "received telephone numbers") to a one of a plurality of

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applications (column 4, lines 29-45) [The utilizing the called telephone number to select a specific operating format];

storing the associations, and in response to receiving the call destination information, looking up the call destination in the stored association (column 4, lines 29-45) [Accumulating caller over a period with key data scores for easy access];

assigning the call to a selected one of plurality of ports (column 3, line 22 "LS1-LSn") of the IVR (column 3, lines 15-24) [The CO couple the terminal unit through one of the sets of lines of the AR1]; and

in response to thereto, executing the application at the selected port (column 5, lines 3-8) [the telephone number designate a specific question bank].

Regarding **claim 9**, Katz discloses detecting dialed Number Identification Service and Automatic Number Identification associated with the call (column 4, lines 26-45);

passing the DNIS and ANI out of band to the IVR (column 4, lines 26-45); and

answering the call at the PBX (column 4, lines 12-25).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. **Claims 2-4 and 11-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornberg in view of Katz.

Regarding **claim 2**, Bjornberg as applied to **claim 1** above differs from **claim 2**, in that it fails to disclose dynamically allocates scripts to ports.

However, Katz teaches a system, wherein the call processor dynamically allocates scripts to ports (column 6, lines 5-14).

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It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use dynamically allocating scripts to ports of Katz in the invention of Bjornberg.

The modification of the invention would offer the capability of dynamically allocates scripts to ports such as the system would greet the caller.

Regarding **claim 3**, Bjornberg as applied to **claim 1** above differs from **claim 3**, in that it fails to disclose the system manages port state before, during, and after a call.

However, Katz teaches a system, wherein the system manages port state before, during, and after a call (column 3, lines 15-24).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the system managing port state before, during, and after a call of Katz in the invention of Bjornberg.

The modification of the invention would offer the capability of the system managing port state before, during, and after a call such as the system would balance the load.

Regarding **claim 4**, Bjornberg as applied to **claim 1** above differs from **claim 4**, in that it fails to disclose a single list of DNIS numbers residing at the IVR.

However, Katz teaches a system, wherein a single list of DNIS numbers resides at the IVR (column 3, lines 55-66).

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It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a single list of DNIS numbers residing at the IVR of Katz in the invention of Bjornberg.

The modification of the invention would offer the capability of a single list of DNIS numbers residing at the IVR such as the system would identify the called party.

Regarding **claim 11**, Bjornberg as applied to **claim 10** above differs from **claim 11**, in that it fails to disclose a script responsive to the call origination information.

However, Katz teaches a scripter configured to prepare a script responsive to the call origination information (column 6, lines 5-14).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a script responsive to the call origination information of Katz in the invention of Bjornberg.

The modification of the invention would offer the capability of a script responsive to the call origination information such as the system would identify the called party.

Regarding **claim 12**, Bjornberg as applied to **claim 1** above differs from **claim 12**, in that it fails to disclose detecting and passing out of band call destination information.

However, Katz discloses wherein the telephone call receiving switch is further configured to detect and pass out of band call destination information by detecting

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comprising Dialed Number Identification Service and Automatic Number Identification associated with the call (column 4, lines 26-45).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use detecting and passing out of band call destination information of Katz in the invention of Bjornberg.

The modification of the invention would offer the capability of detecting and passing out of band call destination information such as the system would identify the called party.

11. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Katz in view of Bjornberg.

Regarding **claim 5**, Katz discloses a telephonic interface game control system (column 1, lines 40-45), (which reads on claimed "a system"), comprising:

a plurality of multiple port IVR's (column 3, line 22 "LS1-LSn") adapted to play a plurality of scripts (column 4, line 39 "selection of cues"), in electronic communication with the switch (column 3, lines 15-24) [The communication facility couples the terminal unit to the set of lines of the audio response unit];

at least one server computer (24 on FIG. 1) in electronic communication with the telephone call receiving switch (CO on FIG. 1) for receiving the out-of-band call destination information (column 4, line 33 "DNIS") and the in electronic communication

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with the IVR's (column 3, lines 15-24), the at least one server configured to associate one of the plurality of scripts to the out-of-band call destination information (column 4, lines 12-25) [The master control memory unit supplies operating program data];

a network structure (CS on Fig. 1) facilitating electronic communication between the IVR's and the switches and the at least one server (column 3, lines 4-14); and

a port sharing data interface processing program (22 on FIG. 1) in operation with IVR's, whereby each port of each IVR is monitored to determine its availability to receive a call (column 3, line 26 "communication"), to request call destination information (column 4, line 33 "DNIS") from the server via the network structure and play at least one of the scripts (column 6, line 7 "receiving cue signals") to a caller (column 6, lines 5-14) [The audio response unit receives cues signal from the processor to activate the remote telephone unit and speak an instruction].

Katz fails to disclose a plurality of telephone call receiving switches.

However, Bjornberg teaches a plurality of telephone call receiving switches (102a, 102b, 102c and 102d on Fig. 4) each configured prior to answering a call (column 9, line 11 "an incoming call") to detect and pass out of band call destination information (column 9, lines 9-15) [The switches receive the calls and transmit a routing query to the DAP].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a plurality of telephone call receiving switches of Bjornberg in the invention of Katz.

The modification of the invention would offer the capability of a plurality of telephone call receiving switches such as the caller data may be processed individually.

Response to Arguments

12. Applicant's arguments filed 2/19/2003 have been fully considered but they are not persuasive.

The applicant argues on page 5, 2nd paragraph that Bjornberg fail to appreciate passing the detected call destination information.

The examiner respectfully disagrees.

Bjornberg stated on (column 9, lines 45-66) that the originating switching includes the address and the application identifier in an SS7 initial address message (IAM) to route the call to the IVR node.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within


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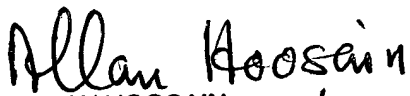
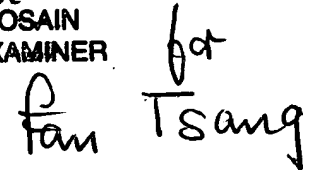
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


g.g.
April 15, 2003


ALLAN HOOSAIN
PRIMARY EXAMINER

for
Fan Tsang